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9 INTERNATIONAL COLLECTION CORPORATION, CHARLES D.
10 HENDRICKSON
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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**
15

16 HERMINIA LORENZO CRUZ

17 Plaintiff,

18
19 vs.

20 INTERNATIONAL COLLECTION
21 CORPORATION, a California corporation,
CHARLES D. HENDRICKSON,
22 individually and in his official capacity,

23 Defendants.

24 Case No: C08 00991 JF(rx)

25 ANSWER TO COMPLAINT

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28 ANSWER TO COMPLAINT

Case No: C08 00991 JF(rx)

1 COMES NOW the Defendants, INTERNATIONAL COLLECTION
2 CORPORATION AND CHARLES D. HENDRICKSON, who now answer the
3 First Amended Complaint as follows:
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7 1 In answer to the Introductory Allegations set forth in Paragraphs 1
8 through 10, these answering Defendants deny all allegations of wrongdoing and
9 alter-ego. These Defendants further only admit that the Complaint alleges certain
10 facts and wrongdoings without admitting any wrongdoing.
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14 2 In answer to the allegations set forth in Paragraphs 12 though 13, the
15 Defendants do not have the information and belief to admit these allegations, thus
16 generally and specifically deny these allegations.
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20 3 In answer to the Introductory Allegations set forth in Paragraphs
21 14through 91, these answering Defendants deny all allegations of wrongdoing and
22 only admit that the Exhibits attached to the Complaint are authentic copies of the
23 originals.
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4 In answer to the allegations set forth in Paragraphs 93 through 96, these answering Defendants deny both generally and specifically all charging allegations.

5 In answer to the allegations set forth in Paragraph 97, these answering Defendants reincorporate by reference all admissions and denials set forth above.

6 In answer to the Allegations set forth in Paragraphs 98 through 105, these answering Defendants deny all allegations of wrongdoing. These Defendants further only admit that the Complaint alleges certain facts and wrongdoings without admitting any wrongdoing.

7 In answer to the allegations set forth in Paragraph 106, 115, and
122these answering Defendants reincorporate by reference all admissions and
denials set forth above.

8 In answer to the Allegations set forth in Paragraphs 107 through 114, 116 through 121, and 123 through 129, these answering Defendants deny all allegations of wrongdoing. These Defendants further only admit that the Complaint alleges certain facts and wrongdoings without admitting any wrongdoing.

FIRST AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that the Complaint, and each and every purported cause of action contained therein, fails to state facts sufficient to constitute a cause of action.

SECOND AFFIRMATIVE DEFENSE

As a separate affirmative defense, Defendants allege that the alleged acts of Defendants were proper and did not violate any provisions of 15 USC Section 1692, et seq.

THIRD AFFIRMATIVE DEFENSE

As a separate affirmative defense, Defendants allege that at all times mentioned in the Complaint, Defendants acted lawfully and within their legal rights, with a good faith belief in the exercise of that right, and in further of a legitimate business purpose. Further, Defendants acted in good faith in the honest belief that the acts, conduct and communications, if any of the Defendants were justified under the circumstances based on information reasonable available to these answering Defendants,

FOURTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that the alleged actions of the Defendants were not accompanied by actual malice, intent or ill will.

FIFTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that Defendants' conduct, communications and actions, if any, were privileged.

SIXTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, assuming arguendo that these Defendants violated a status alleged in the complaint, which presupposition the Defendants deny, such violation was not intentional and resulted from A bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

SEVENTH AFFIRMATIVE DEFENSE

As a separate affirmative defense, Defendants allege that Plaintiff is barred from any recovery against these answering Defendants by the doctrine of laches.

EIGHTH AFFIRMATIVE DEFENSE

As a separate , affirmative defense, Defendants allege that its conduct communications and actions, if any were privileged pursuant to Civil Code Section 1785.32

NINTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that they, at all times alleged in the complaint, maintained reasonable procedures created to prevent any type of intentional violations of the Fair Debt Collection Practices Act.

TENTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that if Plaintiff was damaged in any sum or sums alleged, which Defendants deny, then Plaintiff's damages are limited by 15 USC Sections 1692(k)(a)(1), 1692 (k)(a)(2)(A), 1692(k)(a)(3), and 1692(k)(b)(1).

ELEVENTH AFFIRMATIVE DEFENSE

As a separate, affirmative defense, Defendants allege that Defendants' conduct, communications and actions, if any, were privileged pursuant to 15 USC 1692(k)(c).

1 **TWELFTH AFFIRMATIVE DEFENSE**
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5 As a separate affirmative defense, Defendants allege that he alleged
6 actions of Defendants were proper and did not violate any provision of California
7 Civil Code Sections 1788, et seq.

8 **THIRTEENTH AFFIRMATIVE DEFENSE**
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11 As a separate, affirmative defense, Defendants allege that their actions
12 were privileged pursuant to Federal and State Statutory and Common Law.
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15 **FOURTEENTH AFFIRMATIVE DEFENSE**
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18 As a separate, affirmative defense, Defendant alleges unclean hands.
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21 **FIFTEENTH AFFIRMATIVE DEFENSE**
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24 As a separate, affirmative defense, Defendants reserve their right to
25 amend this answer to add additional affirmative defenses when they become
26 known through discovery.
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1 WHEREBY, Defendants pray for judgment as follows:

2 Plaintiff;

3 proper.

4 1 For judgment in favor of the Defendants and against

5 2 For costs;

6 3 And for such further relief as this Court may deem just and

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14 Respectfully submitted,

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16 LARRY ROTHMAN & ASSOCIATES

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18 Dated: June 9, 2008



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21 LARRY ROTHMAN,
22 Attorney for Defendants:
23 INTERNATIONAL COLLECTION CORPORATION, CHARLES D.
24 HENDRICKSON
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PROOF OF SERVICE

State of California, County of Orange:

I am employed in the county and state aforesaid. I am over the age of 18 and not a party to the within action; my business address is: 1 City Boulevard West, Suite 850, Orange, California 92868

On June 9, 2008, I served the foregoing document described as:

ANSWER TO COMPLAINT

on the parties listed below in this action by placing a true copy thereof or the originals in a sealed envelope sent first class mail and addressed as follows:

Fred W. Schwinn, Esq.
Consumer Law Center, Inc.
12 South First Street, Suite 1014
San Jose, California 95113-2418

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on June 9, 2008, at Orange, California, California.

WADE KRAUS
WADE KRAUS